

## **Obtaining a Washington State Department of Agriculture (WSDA) Special Permit for the Transportation of Municipal Solid Waste (MSW) from the Apple Maggot (AM) Quarantine Area to or through the Pest-Free Area (PFA)**

The apple maggot is an invasive insect pest native to Eastern North America. Its hosts include apple, crabapple, and native and ornamental hawthorn. During the larval stage, apple maggot can cause extensive damage to fruit, decreasing crop yields. It is also economically significant to the Washington apple industry, as fruit from the PFA has greater access to international markets. In an effort to protect the State's apple industry, WSDA established an apple maggot quarantine to slow the spread of the pest. Chapter 16-470 WAC establishes the parameters of the apple maggot quarantine and PFA within Washington State. For more information on apple maggot see the link below in the References section.

On January 1, 2017, WSDA issued a permanent rule amending the apple maggot (*Rhagoletus pomonella*) quarantine to include municipal solid waste (MSW), and yard debris, organic feedstock, organic materials and agricultural wastes (municipal green waste or MGW) to the list of commodities regulated under the apple maggot quarantine [WAC 16-470-101(2) and (3)]. These regulated commodities are prohibited from moving from the quarantine area into the PFA without a WSDA issued special permit (WAC 16-470-124). A map of the quarantine area can be viewed at the link included under the References section.

In September of 2015, WSDA contracted four expert consultants to conduct a Pest Risk Analysis (PRA) to assess the risk of introducing AM with MGW transported from the AM quarantine area to the AM PFA (RCW 17.24.051). The final PRA was completed on April 30<sup>th</sup>, 2016. A link to the PRA is included below under the References section.

The authors of the PRA concluded: "*The overall risk of entry of R. pomonella on MGW from the quarantine area to the PFA area is assessed as likely to occur with low uncertainty*" and "*The risk posed by R. pomonella moving on MGW from the quarantine area to the PFA area is assessed as unacceptable*." (Sansford et al. 2016, pages 5 & 7). Furthermore, the PRA recommends that MGW be ground and heat treated prior to leaving the area under quarantine. The standards for heat treatments recommended by the PRA are modeled after the European Plant Protection Organization guidelines for managing organic waste (EPPO 2008).

Any person proposing to transport or dispose of MSW or MGW originating in the AM quarantine area to the PFA must obtain a special permit issued by WSDA under the current rule, WAC 16-470-124. Treatment requirements and general guidelines for obtaining a special permit for transporting MGW can be found at the following link:

[https://agr.wa.gov/PlantsInsects/InsectPests/applemaggot/Docs/GuidanceRequestingSpecialPermit8\\_17\\_2016.pdf](https://agr.wa.gov/PlantsInsects/InsectPests/applemaggot/Docs/GuidanceRequestingSpecialPermit8_17_2016.pdf)

## **Process for Obtaining a MSW Special Permit**

### **Arrange to Meet with WSDA's Pest Program**

All applicants are encouraged to schedule a meeting with WSDA prior to submitting a written application. This meeting will provide the applicant with more detailed information on the special permit and WSDA can answer any questions. This initial meeting also allows for a discussion on how the applicant can best comply with the requirements of the special permit.

### **Submitting an Application**

The special permit application must include the following:

- Full information on the organization requesting the special permit (facility name, address, contact information, preparer and title).
- A written description with maps of the sites in the quarantine area(s), the transportation route for MSW, and the destination in the PFA.
- An estimate of the quantity and the source of MSW that is being transported per day, week or month.
- A detailed narrative of how MSW and MGW will be separated. Include how separation will be monitored and how MGW will be managed.
- A plan for completing SEPA if necessary, and the required solid waste permits issued by the appropriate county health authority (see below).
- Prior to issuing a special permit, WSDA requires a copy of the applicable permits addressing the proposed special permit conditions from the local health jurisdiction(s) in the quarantine area and the PFA.

Send the application to:

Jim Marra  
Pest Program Manager  
Washington State Department of Agriculture  
PO Box 42560, Olympia WA, 98504

### **Special Permit Requirements**

WAC 16-470-124 outlines conditions for issuing a special permit for the transport of waste. The following conditions do not preclude other mitigation requirements that may also be included in the special permit. Under WAC 16-470-124(4), WSDA may use discretion when evaluating necessary conditions prior to issuing a special permit.

The following conditions must be present when applying for a MSW special permit, unless otherwise specified by WSDA. MSW must be separated from MGW before being transported from the AM quarantine area to the PFA. MSW is defined in WAC 173-350-100 as including, “unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated.” MGW is defined in WAC 16-470-124(2) as including, “yard debris, organic feedstocks, organic materials, or agricultural wastes.” Organic materials are

defined in WAC 173-350-100 as, “any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.” This definition includes food waste and food processing wastes of any kind. The specific MGW pertaining to apple maggot includes all types of backyard fruit, soil, yard waste, and all types of host plants. Host plants include apple, crab apple, and hawthorn trees.

Under the special permit, MSW that has been separated from MGW can be transported into a PFA in a fully covered trailer or truck. The applicant must explain how the MGW will be separated, handled, and stored within the quarantine area. If the MGW will be processed and distributed within the AM quarantine area, it is important to state the way in which the waste will be processed and provide details on where and to whom it will be distributed to. A MGW special permit is required in order for MGW to be transported into or through a PFA. See the guidelines for obtaining a special permit for the transport of MGW in the References section below.

### **SEPA**

Although the applicant may be operating under a DNS (Determination of Nonsignificance) following a previous SEPA, an additional SEPA review may be necessary. Under WAC 197-11-932, the county health authority “within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet” is to be the lead agency for SEPA review. A DNS or MDNS (Mitigated Determination of Nonsignificance) will be required before WSDA issues a special permit. The terms and conditions of the special permit will be submitted to the local health jurisdiction that assumes lead agency status for the SEPA review. The county health authority’s final SEPA determination will need to consider the environmental issues and mitigations raised by the special permit application and the conditions to be imposed by WSDA.

### **Solid Waste Handling Permit**

Before an applicant may operate under a special permit, they must possess a current solid waste handling permit or permit amendment from the applicable local health jurisdictions (RCW 70.95). Prior to approving a special permit, WSDA will submit a copy of the terms and conditions of the permit to the county health care authority.

### **Monitoring**

After WSDA issues the special permit, WSDA staff will deploy AM traps around the facility and conduct facility inspections at regular intervals throughout the year (Sanford et al. 2016, page 260). Under WAC 16-470-917(1), the fee for issuing a special permit is \$125.00. There will be no additional fees imposed upon issuing a special permit under the current rule.

A special permit will be issued after all conditions prescribed by WSDA have been met. Once issued, a special permit must comply with the special permit rules in effect at the time of issuance, including any rules applicable to fees associated with issuing the special permit. This guidance reflects the conditions and fees required under the current emergency rules. At this time it is expected that any special permit would be issued for a period of up to five years, subject to renewal under the special permit rules in effect at that time.

The quarantine rule governing the transportation of municipal waste and the apple maggot quarantine can be reviewed here <http://apps.leg.wa.gov/WAC/default.aspx?cite=16-470-124>.

## References

European Plant Protection Organization, 2008. Guidelines for the management of plant health risks of biowaste of plant origin. Bulletin 38: 4-9.

MGW Special Permit Application:

[https://agr.wa.gov/plantsinsects/insectpests/applemaggot/Docs/GuidanceRequestingSpecialPermit8\\_17\\_2016.pdf](https://agr.wa.gov/plantsinsects/insectpests/applemaggot/Docs/GuidanceRequestingSpecialPermit8_17_2016.pdf)

Sansford, C.E., V. Mastro, J.R. Reynolds. 2016. Pest Risk Analysis for apple maggot (*Rhagoletis pomonella*) moving on municipal green waste into the Pest-Free Area (PFA) of the state of Washington, WSA. Prepared for the Washington State Department of Agriculture. 271 pages.  
[http://agr.wa.gov/PlantsInsects/InsectPests/AppleMaggot/docs/FINAL\\_PRA\\_30\\_4\\_2016\\_2.pdf](http://agr.wa.gov/PlantsInsects/InsectPests/AppleMaggot/docs/FINAL_PRA_30_4_2016_2.pdf)

Washington State Department of Agriculture. Interactive AM Quarantine Map:

<http://wsda.maps.arcgis.com/apps/InformationLookup/index.html?appid=5754ccc895ff4530b9a3258a169a7802>

Washington State University – Details on Apple Maggot:

<http://jenny.tfrec.wsu.edu/opm/displaySpecies.php?pn=140>